

Zoning Board
Sept 14, 2017
Milton, Florida

The Zoning Board met on the above date with the following members present: Chairman Scott Kemp, Jeremy Reeder, Jim Waite, Bill Seelmann, Greg Scoville, Lonnie Hawkins and Charles Loyed. Darlene Stanhope (Planner III) and Danny Collins (Planner II) represented the Planning and Zoning Department. The meeting was held at the Administrative Complex, Commissioners Boardroom, Milton, Florida and called to order at 6:00 p.m. The meeting was opened in prayer by Hawkins. Those in attendance joined in the Pledge of Allegiance to the flag.

Hawkins moved approval of the minutes from the August 10, 2017 meeting without objection.

Kemp explained the meeting procedures, decision making authority and appeal process.

Old Business:

1. 2017-V-068

Project/Applicant:	David Broxson & Michael Coperton
Location:	6317 Butternut Lane, Milton 6313 Butternut Lane, Milton
Parcel(s):	16-1N-28-0000-02229-0000 16-1N-28-0000-02225-0000
Zoned:	R1M (Mixed Residential Subdivision)
Request 1:	Variance to increase the height of a privacy fence from 4 feet to 6 feet within the front setback in a R1M (Mixed Residential Subdivision) zoning district. (LDC 7.01.10.D)
Request 2:	Variance to reduce the street intersection setback from 20 feet to 10 feet to accommodate a 6 foot privacy fence. (LDC 7.01.10.B)
District:	Commissioner District #2

Broxson said he put up a privacy fence and did not realize it could only be four feet high in the front of the house. He said he lives on the corner and his driveway is in the rear of the property. Broxson said the stop sign is five feet on the inside of the property line which is 20 feet from the edge of the road. He said there is almost 16 feet from the edge of the road to the privacy fence. He said two neighbors, who do not live nearby had problems with the fence. Broxson said some stop signs in the area are eight feet from the road and in Galt City and Bagdad Highway some are four feet from the road.

Collins read aloud a statement from the Public Works Department. He said Public Works staff stated the stop sign is located appropriately. Collins said Public Works staff stated the fence is obscuring the view of the traffic and they consider the fence to be a problem. He said Public Works staff stated that regardless of the placement of the stop sign they object to the height of the privacy fence at the intersection due to the creation of a limited sight visibility triangle.

Broxson asked why is the stop sign five feet on the inside of his property line. He said there is 16 feet from the edge of the road to the fence.

Kemp said this is a code compliance case. He said the board will have to make a decision as to whether Broxson can maintain the current fence height or if he will have to reduce it.

Scoville asked Broxson if there is a way that he could cut the corner off and move the fence at a 45 degree angle inward on the corner. Broxson said he does not have much property and it would cut into his property but he could. Scoville said he does not object to the height of the fence but was thinking that if it could be moved to create the visibility triangle it might be something that the board would be willing to consider. Broxson said he could do that if that will solve the problem. He said he just does not want to take the fence down. Broxson said it is much more peaceful with the fence up because he parks in the back of the house.

Seelmann said he does not see what the problem is if the stop sign is moved five feet forward and put it in line with the power pole. He said his initial impression was that the stop sign is in the wrong place.

Waite said Public Works is basing the location of the stop sign on the right of way. He said the right of way goes "in" a lot farther than the asphalt. Broxson said there is approximately 15 feet and 10 inches from the edge of the asphalt to the property line, then the stop sign goes five feet on the inside of the property line. He asked if the stop sign could be moved out to six feet. Waite said the sign would be on the edge of the right of way and improperly placed. He said Public Works will not move the stop sign if they say it is properly placed. Broxson said he does not understand why the stop sign is on the inside of his property. He said he wants to find a way to solve the problem. Waite said the problem is that Broxson has a fence that exceeds the allowable height and it is obscuring the view of traffic. He said he understands what Broxson is trying to do but it creates a safety issue.

Reeder said it seems that the stop sign is too far set back. He said it looks like a car length and a half before someone would turn onto the next road. Reeder said if the stop sign were moved it would solve both problems.

Kemp said the board does not have the authority to overturn Public Works and the location of the sign.

Waite asked Broxson if the corner of his fence is close to the property line. Broxson said it is probably about two inches inside the property line. Broxson said if the fence was not there and someone stopped at the stop sign they could not see anyway because of all of the azaleas in front of his house.

Reeder asked why the county is putting a stop sign where it knows people are not going to stop in the first place. Reeder said it sounds like Public Works has the ability to move the stop sign but it is within the range so they are not wanting to. He said he does not understand the placement of the stop sign.

Waite said the placement of the stop sign is based on the location of the right of way. He said he is not willing to assume the liability of creating what could be a safety issue. Waite said he agrees that no one will stop at the stop sign's location but is not willing to assume the liability.

Scoville moved to approve Request 1 subject to it being modified to accommodate the visibility triangle per the Land Development Code. Reeder seconded and the motion passed with Scoville, Reeder, Kemp and Seelmann in favor. Waite, Hawkins and Loyed opposed.

Hawkins asked staff to confirm that the applicant stated the fence is built "right up" to the property line which means he is not 10 feet back. Stanhope said that is correct. She said the fence is 10 feet from the edge of the pavement. Stanhope said the code states 20 feet from the edge of pavement.

Hawkins moved denial of Request 2. Loyed seconded and the motion to deny passed with Hawkins, Loyed, Waite, Kemp, Seelmann and Scoville in favor. Reeder opposed.

Kemp said Broxson will be able to maintain the height of his fence understanding that he will have to do something to make it visible to the field of view. He said the board is not requiring the applicant reduce the height of the entire fence. Kemp said the board is allowing the six foot height on the front but is asking Broxson to reduce the safety risk from the corner.

New Business:

2. 2017-SX-006

Project/Applicant: William C. Ellison
Location: 8420 Billy Bob Lane, Milton, FL
Parcel(s): 32-2N-27-0000-00267-0000
Zoned: R1M (Mixed Residential Subdivision)
Request: Special Exception to allow the division of a parcel for family members, creating two lots without the required road frontage within a R1M (Mixed Residential Subdivision) zoning district. (LDC 2.04.00.C.6)
District: Commissioner District #2

William Ellison said one of his sons lives on the front section of the parcel in question. He said he wants to divide the property to give his other son the back half of the parcel. Ellison said he will make a driveway on the front half of the parcel, not to encumber anyone else's property.

Hawkins asked Ellison if the two lots would use one common driveway. Ellison said yes.

Waite moved approval without objection.

3. 2017-V-077

Project/Applicant: Nathan and Jessie Parker
Location: 6356 Parker Hill Road, Milton, FL
Parcel(s): 21-4N-28-0000-00500-0000
Zoned: AG-RR (Rural Residential Agriculture)
Request: Variance to reduce the east side setback from 15 feet to 12.71 feet in an AG-RR (Rural Residential Agriculture) zoning district to accommodate a guest cottage. (LDC 6.03.05.H)
District: Commissioner District #3

Jessie Parker said her mother-in-law owns approximately 100 acres of land that abuts the east side of the parcel in question.

Scoville said he understands the structure was permitted as storage. He asked if the building department has anything to say about the use being changed to a residential occupancy. Stanhope said if the request is approved the applicant will have to get permits and submit any required plans. Parker said she has already submitted the plans.

Hawkins asked if the guest cottage is going to be for family guests. Parker said yes. Hawkins asked if the guest cottage is going to be a rental for tourists. Parker said no.

Seelmann moved approval without objection.

4. 2017-V-078
Project/Applicant: Bobby Ward Jr.
Location: 6208 Hunters Ridge Drive, Milton, FL
Parcel(s): 24-2N-29-1945-00B00-0360
Zoned: RR1 (Rural Residential Single Family)
Request: Variance to reduce the west side setback from 9.50 feet to 0 feet to accommodate an accessory structure, specifically a carport (approximately 480 square feet). (LDC 2.10.05.B.1 & 6.05.04.H.3)
District: Commissioner District #3

Bobby Ward said he wants to put in a carport for an RV.

Kemp said there is one letter of objection stating all homes in the subdivision have nine and a half foot setbacks from the adjoining property and this subdivision should keep this as a standard.

Waite said the building department does not see any code issues based on the proposed structure.

Seelmann asked if the existing cement slab goes to the edge of the property line. Ward said yes.

Hawkins said his only concern is with a zero lot line, the water run-off will not fall on the applicant's property, but onto the neighbor's property, unless Ward puts in some type of drainage. Ward said the water run-off will not go onto the neighbor's property.

Loyed moved approval of the request. Seelmann seconded and the motion passed with Loyed, Seelmann, Scoville, Reeder, Waite and Hawkins in favor. Kemp opposed.

5. 2017-V-079
Project/Applicant: Jeremy and Emily Atchison
Location: 1452 Whisper Bay Boulevard, Gulf Breeze, FL
Parcel(s): 25-2S-29-5685-00D00-0060
Zoned: R1 (Single Family Residential)
Request: Variance to reduce the front setback from 25 feet to 15.50 feet to accommodate an addition to a residence. (LDC 6.05.05.I.2) District: Commissioner District #5

Seelmann moved approval of the request. Loyed seconded and the motion passed unanimously.

6. 2017-V-080
Project/Applicant: Five Points Pace, LLC
Represented by Michael Lynch of Jehle-Halstead, Inc.
Location: 5603 Chumuckla Highway, Pace, FL
5611 Chumuckla Highway, Pace, FL
Parcel(s): 32-2N-29-0000-00800-0000
32-2N-29-0000-00900-0000
Zoned: HCD (Highway Commercial Development)
Request 1: Variance to reduce the driveway spacing requirement from 440 feet to 235 north of an existing driveway to accommodate a right-in/right-out only driveway on Chumuckla Highway. (LDC 4.04.03.D.1.b.2)
Request 2: Variance to reduce the driveway spacing requirement from 440 feet to 250 south of an existing driveway to accommodate a right-in/right-out only driveway on Chumuckla Highway. (LDC 4.04.03.D.1.b.2)

Request 3: Variance to allow the construction of parking spaces along an internal roadway. (LDC 4.04.03.C.1)
Request 4: Variance to reduce the corner clearance requirement from 120 feet to 100 feet. (LDC 4.04.03.C.6)
District: Commissioner District #1

Michael Lynch asked if the board reviewed his memos about the project (attachment in file). He said he is looking to reduce the spacing requirement for the driveway. Lynch said the county typically defaults to Florida Department of Transportation's (FDOT) spacing for the driveways. He said the spacing requirement of 440 feet would put the driveway past the property. Lynch said it is a concern for the development of the outparcels.

Lynch said there was discussion with county staff on which code he should review for internal spacing. He said he feels the development should be held to the minimum of 75 foot spacing in the Land Development Code (LDC) as opposed to the requirements from FDOT.

Hawkins said he needs more information related to Request 3, regarding the concerns of the Engineering Department with parking on the internal roadways and vehicles possibly backing into the highway. Lynch said the developer would like to keep the parking as close to the front access of the building as possible. He said it is probable that the back portion of the property will be utilized for detention. Lynch said there was confusion as to how the codes would be interpreted and since it was unclear, it was thought that he should apply for the variance.

There was discussion about safety concerns and alternate solutions.

Loyed said he cannot support the parking. He said he would like to see the driveway moved if possible.

Scoville asked if the 12 parking spaces depicted on the south side are required to meet the requirements for the parcel to the north. Lynch said yes. Scoville asked if pedestrians will cross in the area as well. Lynch said yes. Scoville said he has concern about parking along the access drive for that reason. He said he thinks there will be a lot of traffic on the access road and backing out into that is probably not a good idea. Scoville said he will not be able to support Request 3.

Waite asked Lynch if the corner spacing discussed is the south entry off of the access road to the parcel to the north. Lynch said it is the access going into the outparcels to the north. Waite asked if the access is going to be "right-in/right-out." Lynch said no, it will be full access. Waite asked Lynch if he will consider "right-in/right-out." He said he thinks the problem is that if someone comes in and tries to make a left turn getting in, they will not make the left turn in the short distance. Waite said if it were "right-in/right-out" he would look at it differently but cannot support full access, as proposed. Lynch said if that is the only option he has it will certainly be considered.

There was additional discussion about concerns regarding ingress, egress and detention options.

Hawkins moved approval of requests 1 and 2 without objection.

Hawkins moved denial of Request 3. Waite seconded and the motion to deny Request 3 was approved unanimously.

Hawkins moved approval of Request 4. Seelmann seconded and the motion failed with Seelman, Waite, Kemp, Scoville and Loyed in opposition. Hawkins and Reeder in favor.

Lynch asked the board if someone would make a motion to include a “right-in/right-out” condition so that he would have the opportunity to discuss options with the developer. Waite said he would hate to make the motion without Lynch first having discussion with his client and the Engineering Department. He said he would rather hear from the Engineering Department on it because they may have some objection to that as well. Stanhope said the board can table Request 4.

Waite moved to table Request 4 to give the applicant the opportunity for further discussion with Engineering Department staff and return with a different proposal at the October meeting. Hawkins seconded and the motion was approved unanimously.

7. 2017-V-082

Project/Applicant: Mike Matthews
Location: 2195 Wind Trace Road N, Navarre, FL
Parcel(s): 21-2S-26-0780-0VV22-0000
Zoned: R2M (Medium Density Mixed Residential)
Request: Variance to reduce the rear setback from 25 feet to 10 feet to accommodate two single family residences. (LDC 6.05.09.I.4)
District: Commissioner District #4

Waite asked Matthews if this will be his residence or is it for sale. Matthews said the property is for sale.

Scoville asked Matthews if the lot is currently subdivided. Matthews said yes. He said it was recorded last week.

Seelmann asked if the first residence will be his. Matthews said no. He said both lots will be for sale. Matthews said it will be two single family homes. He said the parcel is split and recorded.

Loyed asked if sewer is available. Matthews said yes.

Scoville asked staff if the property had not been subdivided would it have been possible to build a duplex on this property. Stanhope said yes.

Reeder asked if the variance is between the applicant’s properties or on the opposite side of the applicant’s properties. Matthews said the variance request is for the rear setback. He said the lot is 80 feet deep and the house is 50 feet with 20 feet in the front. Matthews said another builder on the street is doing the same thing.

Hawkins asked if the request is for both subdivided lots. Matthews said yes.

Scoville moved approval. Loyed seconded and the motion was approved unanimously.

8. 2017-V-083

Project/Applicant: Lisa R. Carver
Represented by Paul Semmes of Florida Building Consultants, Inc.
Location: 1400 block of Tina Drive, Navarre Beach, FL
Parcel(s): 28-2S-26-0000-02100-0000
Zoned: NB – HD (Navarre Beach High Density)
Request 1: Variance to reduce the impervious cover requirement 75% to 62% to accommodate a quadplex. (LDC 6.07.04.D.1.a)

Request 2: Variance to reduce the rear setback from 9 feet to 2.5 feet to accommodate a swimming pool. (LDC 2.10.05.B.5)
District: Commissioner District #4

Kerry Anne Schultz said she represents the applicant.

Paul Semmes said he is the engineer with the project. Semmes said he feels that the size of the parcel in question dictates the best use. He said the parcel is too large for single family. Semmes said it drives single family use out of the equation. He said the owner of the property is interested in being compatible with the local area. Semmes said the appropriate building dictates more than the allowable building coverage. He said there are some issues about the drainage. Semmes said the building coverage drives the drainage equation; however, some of the area underneath the building can be utilized.

Schultz said Criterion 1 is whether or not the applicant has met special circumstances. She said it is her legal opinion that the applicant has met the requirements.

Schultz said Request 1 is to reduce the impervious coverage requirement to accommodate a quadplex. She said the applicant could build a big condominium, but has settled with a quadplex.

Schultz said Request 2 is to reduce the rear setback from nine feet to two and a half feet to accommodate a pool. She said she does not believe there is any issue from any surrounding property owner.

Schultz said the owner minimizes the issues of impairing light and air, increased congestion, the danger of fire or peril by lessening the use of the property with a quadplex.

Schultz said staff has found and legal conclusions have determined that if this board moves this forward and approves this request it will not impair the intent of the zoning ordinance or zoning map.

Schultz said she believes the two variance requests meet the variance criteria as required under the Land Development Code.

Kemp said the board received a number of different emails and feedback from the neighbors. He said the concern is predominantly stormwater runoff. He said pictures show standing water on the property.

Perry Weston said he is the President of the Village at Navarre Homeowners Association (HOA). He said the HOA's concern is that during very heavy rain storms the south side of the Village at Navarre Subdivision, floods. Weston said the south side of Sonata Court floods when there is heavy rain. He said the parcel in question is lower than the surrounding properties and acts as a catch pond. Weston said his concern is if the land is built up or a pool is put in, the water that is being caught now, will find its way onto properties in the Village at Navarre Subdivision, causing more flooding than they currently get. He said the concern is more about the setback. Weston said the HOA is willing to negotiate the setback issue provided there can be an agreement that water from the parcel in question does not flow back into the Village at Navarre Subdivision, specifically the nearby neighbor's house.

Weston said the secondary issue is privacy for the neighbors because the request is to be two and a half feet from the fence. He said he has not seen how the applicant plans to mitigate privacy issues at the pool.

Markham Palombo said the neighbor of the parcel in question is adamantly opposed to the project.

Waite said Weston indicated the parcel in question is lower. He said this property may be retaining water that is not theirs.

Semmes said the parcel in question is a low point and basically a retention pond. He said it is the recipient of an issue, not the cause of the issue. Semmes said the neighboring property on Gulf Boulevard is completely impervious, so all of the rainfall on that property flows onto the parcel in question which also collects water from the road. He said there is a berm adjacent to the property in question. Semmes said if the parcel in question is allowed to be developed, he can bring the grade up, get rid of the drainage problem and have a berm along the back side.

Semmes said he understands the concerns. He said the berm that is currently in place, separating the property in question from the Village at Navarre Subdivision, could be left in place to prevent any drainage from the property in question to theirs.

Kemp asked Semmes other than dissipating the water under the quadplex, what else can be done. He asked if there is septic or sewer. Semmes said sewer. Kemp said the board does not want to compound the existing problem.

Waite said that the applicant could bring the land up to grade eliminating the retention pond and possibly create some issue. Semmes said he thinks the biggest asset for the property next door is to maintain the berm which will separate any impact from this property. He said if the berm was expanded it could probably eliminate some of the other drainage issues. Semmes said he thinks that the water being collected on the property now would naturally flow down the road. Schultz said the goal is to be a good neighbor and she believes that building on this property will cure the water collection issues and not contribute to additional water issues. She said drainage is one of the biggest issues to consider. Schultz said the applicant does not want to trespass water and create legal issues for the neighbors. She said she thinks this will be productive and actually help those that are seeing this property appear as a retention pond when it is not anticipated to be one.

Stanhope said anything over three dwelling units in multi-family will have to go through the commercial site plan process and meet the stormwater, parking and landscaping requirements.

Semmes said he thinks there is also a buffer requirement.

Loyed said he thinks it is typical beach property. He said there is seasonal high water. Loyed said he does not have a problem with the density but his concern is that the drainage is going to be a challenge. Semmes said there is 60% of the property to work with. He said he thinks handling this development's stormwater drainage is not going to be an issue, but resolving the neighborhood problem is obviously not going to be able to be accomplished.

Seelmann said by accident or by design, this piece of land has become a catch basin. He asked where the water will go once the applicant corrects the problem. Seelmann said if there are more than three units there is a stormwater requirement and whatever begins on the property stays on the property. He asked Semmes what will be done with the stormwater. Semmes said the problem is the property on Gulf Boulevard which does not have any provisions. He said as far as the development in question, there is no problem taking care of its own drainage in the 62% of pervious area and with a berm, it will not impact the neighbor. Semmes said he does not know how much better it can get on any development.

Schultz said the stormwater management issues are going to be carefully taken into consideration to protect the neighboring properties. She said the applicant is mindful of that.

Weston said there is approximately one foot of natural berm between the parcel in question and the neighboring property. He said the HOA was thinking that maybe the applicant could put at least a three foot berm along the neighbor's fence. Weston said the HOA will agree to a five foot setback. He said he is trying to mitigate water flow into the Village at Navarre Subdivision.

Semmes said he can provide a berm. He asked staff for clarification on the building coverage. Stanhope said the maximum building footprint is 25% of the lot area.

Hawkins said for disclosure he and Schultz worked at the same law firm many years ago.

Reeder said from his perspective the second request is asking a lot. He asked if there is a way to layout the property so that the pool is in a different spot. Semmes said he could go back to a five foot setback and make a berm happen. Reeder said he would feel more comfortable with a five foot setback. Kemp said he agrees, especially since it has been identified that Semmes will need a berm.

Waite moved approval of Request 1. Reeder seconded and the motion was approved unanimously.

Schultz said the applicant would agree to amend the application on Request 2 from nine feet to five feet.

Reeder moved approval of Request 2 to reduce the rear setback from nine feet to five feet to accommodate a pool. Hawkins seconded and the motion was approved unanimously.

9. 2017-V-085

Project/Applicant:	William and Stephanie Ackman
Location:	2003 Foutainebleau Court, Navarre, FL
Parcel(s):	22-2S-26-2121-00B00-0080
Zoned:	R1 (Single Family Residential)
Request 1:	Variance to reduce the rear setback from 9 feet to 3 feet to accommodate a swimming pool. (LDC 2.10.05.B.5)
Request 2:	Variance to reduce the rear setback from 5 feet to 2.5 feet to accommodate a pool enclosure. (LDC 2.10.05.B.4)
District:	Commissioner District #4

Hawkins asked the applicant if she wants to do what the neighbors did. Stephanie Ackman said yes.

Hawkins moved approval without objection.

10. 2017-V-087

Project/Applicant:	Philip Ceyler & Angie T. McKiddie Represented by Paul Semmes of Florida Building Consultants, Inc.
Location:	7480 apt #3 White Sands Boulevard, Navarre Beach, FL
Parcel(s):	28-2S-26-9290-00000-0030
Zoned:	NB – MD (Navarre Beach Medium Density)
Request:	Variance to reduce the side setbacks from 15 feet to 2.30 feet to accommodate a single family residence. (LDC 6.07.03.D.4)
District:	Commissioner District #4

Collins said the building department has provided comments with this request.

Paul Semmes said this property originally had a townhouse constructed in 1984 and there were five units in a row. He said this was the middle unit of five townhouses. Semmes said he does not know what happened to the structure. He said a new structure will be put where the old structure was. Semmes said the impervious area will be the same as seen from the concrete still on the ground. He said some of the emails received suggest the development is two and a half feet from the edge of this property, but it is two and half feet from the interior of an interior lot.

Semmes said if there was a party wall to build to he could build to it but there is no party wall where the Unit 4 and Unit 5 properties are, so he is going to build a pile supported edge of that building. He said if the neighbor on the other side, wants the construction adjacent to her then he can land the building on the party wall. Semmes said the owner of the property is willing to go either way that the board wants. He said it is a modular building which is constructed similarly to conventional homes except they are built in a factory which provides a controlled environment and allows the building to be built closer to specifications. Semmes said the quality of the construction is at least as good as conventional construction and is designed to stand up to 160 mile an hour winds.

Vicki Luebke gave the board a photograph (attachment in file). She said the townhomes of Sand Piper Point, Units 3, 4 and 5, were demolished after Hurricane Dennis in 2005. Luebke said what remains of Unit 3 is the stucco common-wall, seen in the photograph. Luebke said the common-wall is approximately eight inches wide with four inches being owned by Unit 3 and the other four inches is owned by her. She said the eastside of her wall is on the common-wall. Luebke said it is very difficult to maintain the wall without using a lift truck. She said with the proposal presented there will be a space of approximately two feet between the common-wall and the applicants building creating a hazardous situation for any contractor who works on her wall. Luebke said she believes that approving this variance will be detrimental to her property because she will be unable to maintain the east wall of her unit. She said the size of the proposed structure is also inconsistent with the neighboring homes. Luebke said she believes that this structure will fit within the original footprint of Unit 3. She said she is requesting that this variance be denied.

Nanci Agee said she is a Realtor representing Luebke in the sale of her townhouse. She said there is concern about the two feet between the structures because the wall could not be maintained. Agee said she believes the back of the proposed structure extends beyond the original footprint. She said she had a purchase contract on the property that was cancelled by the buyer after seeing this variance request. Agee said the request has already been a detriment to the neighbor's property value because if the new structure extends beyond the original footprint it will impede the view. She said she would like for the new structure to be built on the original footprint with a zero lot line.

Collins said without a variance the new structure would have to be built to the original footprint due to the setbacks and the width of the lot. He said as long as the rear setback is met a variance is not needed.

Kemp said there appears to be zero space between Units 1 and 2. Agee said it is a zero lot line.

Waite asked staff if the applicant could extend to the rear without a variance. Collins said yes. He said the applicant can extend to the rear as long as the current setbacks are met. Stanhope said the property owner will have to meet the original footprint on the sides but can go back as long as they meet the 10% of the lot depth for the rear yard. Agee said the neighbor would like to see the new

structure attached to the common-wall, so she would like the variance to be denied. Waite asked staff if the 15 foot side setback is because it is detached. Stanhope said yes.

Reeder said it sounds like this variance is not needed. Stanhope said Semmes could request to withdraw the application. Waite asked if it would be better to table this and let Semmes discuss this with the building department to make sure everything is covered. He said Semmes can withdraw if the variance is not needed. Waite said postponing the decision until next month gives Semmes the opportunity to work with both adjoining property owners. Agee said if it is tabled while she is in the process of selling the neighbor's house, she cannot get the property under contract because of the unknown situation.

Kemp asked Semmes if he would like this variance request to be postponed until the next meeting. Semmes said yes. He said if he gets "it" approved within the next week or so, he will withdraw the request.

Waite moved approval to postpone the request until the October meeting without objection.

11. 2017-CU-017

Project/Applicant:	Tidwell Place LLC Represented by Bob Chopra of SAM Inc., agent for Verizon Wireless
Location:	Tidwell Road, Pace, FL
Parcel(s):	APO 05-2N-29-0000-00100-0000
Zoned:	AG-RR (Rural Residential Agriculture)
Request:	Conditional Use to allow towers and communication facilities in an AGRR (Rural Residential Agriculture) zoning district. (LDC 6.05.02.C, 6.09.02.CC & 7.01.15)
District:	Commissioner District #3

Bob Chopra said the construction of the site will bring improved Verizon coverage to the northern part of Santa Rosa County, the athletic complex located to the west of the parcel in question, and people traveling Chumuckla Highway.

Waite asked if there will be a need for a generator at the site. Chopra said generators are put on most sites. Waite said his concern is the fuel. Stanhope said it is no longer a required variance for cell towers.

Chad Merrill said the proposal shows the use of Ty Lane as an entrance and exit. He asked what Verizon is doing to the road for their trucks to have access. Merrill said when it rains, water stands on the road. Chopra said he received comments from the county engineer regarding his original submittal in reference to concerns about Ty Lane. He said his engineers went back and forth with the county engineer on the design and the last submittal was approved so that he could move forward to this meeting. Chopra said he did not think there was further issue with the ingress and egress to the tower site. He said during construction there will be activity but once the site is constructed traffic will be once a month or as needed. Chopra said it is a gravel road that is constructed to the site.

Kemp asked if there are any plans to upgrade the road. Chopra said whatever is requested by the county and what was addressed in the last set of plans.

Scoville asked if there will be any clearing on the right of way area. Chopra said there will have to be some clearing to create the driveway and then some minor clearing on the site to create the footprint for the tower. He said he usually gets a 30 foot easement and then the road itself will be maybe 15 to

20 feet wide. Scoville asked if there will be overhead power lines that may not be there now. Chopra said power will be brought from Tidwell Road.

Hawkins asked Chopra will he repair the road if the he construction vehicles damage it. Chopra said yes.

Merrill said with regard to the tower another concern is his health. Kemp said Merrill will not get radiated.

Reeder asked Chopra if he can share his contact information with the neighbors and let them know what to expect with regard to the road.

Hawkins moved approval without objection.

12. 2017-CU-022

Project/Applicant: Mike Murphy
Location: 8635 Baxter Road, Milton, FL
Parcel(s): 16-1N-27-0000-00114-0000
Zoned: AG-RR (Rural Residential Agriculture)
Request: Conditional Use to allow the temporary use of a RV as a living quarters during the construction of a residence. (LDC 6.04.04.C)
District: Commissioner District #2

Kemp said this is a code compliance case because the RV was in use before obtaining permission. He asked Mike Murphy if he is going to take down the existing building on the property. Murphy said yes.

Kemp asked the time frame to tear down the existing building and start construction. Murphy said he hopes to be done within six to eight months. Kemp asked Murphy if he has pulled any permits. Murphy said no. He said he just received the money from the insurance company, today.

Scoville moved approval without objection.

13. 2017-CU-024

Project/Applicant: Wilburn and Demaris Pittman
Represented by Wendy Keaton of Paradise Rentals & Property Management LLC
Location: 1957 Highway 87 South, Navarre, FL
Parcel(s): 20-2S-26-0000-00527-0000
Zoned: HCD – HON (Highway Commercial Development – Heart of Navarre)
Request: Conditional Use to allow storage usage, specifically boat and RV storage facility within a HCD – HON (Highway Commercial Development – Heart of Navarre) zoning district. (LDC 6.05.24.B.2)
District: Commissioner District #4

Kemp said the applicant and representative do not seem to be present. He said the staff analysis affirmed all applicable criteria for the request and states there are no anticipated building code issues. Kemp said the staff analysis states the applicant will have to submit a partial site plan for review. He said there was one letter in opposition. Kemp said the board has approved several boat/RV storage units in the same area.

Waite asked staff if the applicant could sell RV's and boats from the property as it is currently zoned. Stanhope said yes. Waite said if the applicant was operating a commercial building they would still be storing RV's and boats on the property so the fact that the boats and RV's are there is a non-issue. Stanhope said the Conditional Use is required in the Heart of Navarre Overlay District.

Waite moved approval without objection.

14. 2017-R-028

Project/Applicant: TRM Woodlands, Inc.
Represented by Chris West of Teramore Development LLC
Location: 12900 block of Highway 87 N, Jay, FL
Parcel(s): APO 34-5N-28-0000-00200-0000
Existing Zone: AG-RR (Rural Residential Agriculture)
Proposed Zone: HCD (Highway Commercial Development)
Existing FLU: COMM (Commercial) & AG (Agriculture)
Proposed FLU: Change 1.50 +/- acres to COMM (Commercial)
Area Size: 2.53 +/- Acres
District: Commissioner District #3

Joey Fraiser (Attorney, McDonald Fleming Moorhead) said it looks like the staff analysis is on point.

Chris West said Teramore Development, LLC proposes a 7,500 square foot Dollar General store to be newly constructed on the property to service the area and the residents.

Kemp asked what will be the façade for the two sides of the building affronting the highways.

West said if it is the board's recommendation that the façade is a split faced block, Teramore Development, LLC would not be opposed to it.

Seelmann asked about ingress and egress from the intersection. West said that will be a Department of Transportation requirement for safety from the intersection.

Reeder said he has heard that the path of the road will be changed for the expansion of evacuation routes. West said he has not seen notice in the title record.

Seelmann moved approval without objection.

15. 2017-R-029

Project/Applicant: Vercell & Myetta Vance
Represented by Joe Rector, Jr. of Dewberry/Preble-Rish, Inc.
Location: 6312 Gulf Breeze Parkway, Gulf Breeze, FL
Parcel(s): 21-2S-27-0000-00401-0000 and 21-2S-27-0000-01400-0000
Existing Zone: HCD (Highway Commercial Development)
R1 (Single Family Residential)
Proposed Zone: R1A (Single Family Residential)
Existing FLU: MRC (Mixed Residential Commercial)
No Change to FLU: MRC (Mixed Residential Commercial)
Area Size: 24.684 (+/-) Acres
District: Commissioner District #5

Joe Rector said he came before the board a few months back at which time he had applied to rezone this property to R2. He said he has taken the concerns of the board and citizens back to the developer and reapplied as R1A. Rector presented copies of an example site plan to the board (attachment in file). He said a mail-out was prepared and mailed to the neighbors. Rector said he feels as though he has received a positive response on this so far and there is no one present tonight in opposition.

Waite asked Rector if he is aware of comments from the Engineering Department. Rector said yes. He said the Engineering Department had those comments on the previous plan when it was proposed for R2 as a potential townhome development. Rector said there has not been any engineering with this development.

Waite said the engineer stated he is gravely concerned about this development. Rector said that comment came from the first application. Waite said the engineer stated the site is very challenging and regardless to what is put there it is going to be difficult to meet the requirements.

Kemp said he appreciates Rector and his group's efforts to communicate and reconsider. He said he does not see a problem with the request.

Loyed asked if there is a threshold of lots that the developer needs. Rector said not particularly at this point. Loyed asked if there is the possibility of expanding the retention ponds. Rector said that will be driven by the process.

Hawkins said he does not see any reason to stand in the way of letting this move to the next step.

Hawkins moved approval without objection.

16. 2017-R-030

Project/Applicant:	Jimmy D. Tolbert Represented by Buddy Page of Professional Growth Management Services, LLC
Location:	3636 Bob Tolbert Road, Navarre, FL
Parcel(s):	APO 39-1S-27-0000-04000-0000
Existing Zone:	AG-RR (Rural Residential Agriculture)
Proposed Zone:	R1 (Single Family Residential)
Existing FLU:	AG (Agriculture)
Proposed FLU:	SFR (Single Family Residential)
Area Size:	34.30 +/- acres
District:	Commissioner District #4

Kemp asked if Randy Roy (NAS Whiting Field) was notified of this request. Stanhope said she spoke to Roy at length and he did not have a problem with it because the Land Development Code states that any rezoning within the Choctaw Military Airport Zone cannot exceed four dwelling units per acre which is being requested.

Buddy Page said the staff findings suggest the application meets all of the criteria and are compatible with the area. He said the Department of Transportation signed off on the smaller analysis. Page said there is sufficient capacity in potable water and sanitary sewer. He said solid waste did not appear of concern due to the available capacity at the landfill. Page said it appears no one is present in opposition.

Waite said considering the existing land use map, this is compatible with the surrounding properties and is in-filling.

Waite moved approval without objection.

Chairperson Matters:

None.

Planning Department Matters:

Review of Board of Commissioners August 24, 2017 meeting results.

Collins read aloud the results of the Board of Commissioners Special Meeting on August 24, 2017 (attachment in file).

Next Zoning Board Meeting:

October 12, 2017 in Milton, Florida.

Public Forum:

None.

Adjournment:

There being no further business to come before the board at this time, the meeting adjourned.

Chairman